

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

SEP 23 2021

JULIA C. DUDLEY, CLERK
BY: A. Geason
DEPUTY CLERK

**ALLEGHANY COUNTY
BOARD OF SUPERVISORS**

Plaintiff,

V.

DONNIE T.A.M. KERN

Defendant, Pro Se.

)
)
) **NO: 7:21-cv-00471**
)
) **NOTICE OF APPEAL**
) **PURSUANT**
) **28 U.S.C. §1443 & §1447(d),**
)
)
)
)
)
)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Respondent, Donnie T.A.M. Kern, Pro Se hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgement in this action and from the order of this court entered sua sponte on the 13 day of September 2021 by the Honorable U.S. District Court Judge Thomas Cullen remanding the defendant's Notice of Removal which was filed on the 10 day of September 2021 pursuant 28 U.S.C. §1331, §1441, §1443, and §1446(b)(3).

The appeal of the order of this court is being done timely, in good faith, and in the best interest of justice due to conflicting interpretation and intent of the United States Supreme Court, and United States Congress in regards to 28 U.S.C. §1331, §1441, §1443, §1446 by and between the Honorable U.S. District Court Judge Thomas Cullen and the defendant and the paramount application to the case at hand.

The defendant commends graciously the Honorable Judge Thomas Cullen for his remarkable patience, kindness and compassion that he has provided the defendant regarding this case. The defendant humbly and mercifully thanks the Honorable Judge Thomas Cullen in advance for his continued exemplary virtues during this appeal.

A handwritten signature in blue ink, appearing to read 'Donnie T.A.M. Kern', is written over a horizontal line.

Donnie T.A.M. Kern, Pro Se
Defendant
145 Church Street
Clifton Forge, Virginia 24422
quilltaxation@gmail.com
540-958-4958

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing and enclosure of the filing fee was mailed to:

Honorable Julia C. Dudley
U.S. District Court, Western District of Virginia Clerk of Court
210 Franklin Road S.W.
Suite 540
Roanoke, VA 24011-2208

on this the 22 day of September 2021

&

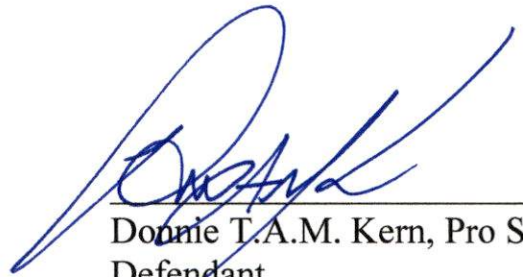
I certify that a true and exact copy of the foregoing was mailed to:

George Matt Garten
In Official Capacity of Chairman
Alleghany County Board of Supervisors
9212 Winterberry Avenue
Covington, Virginia 24426

&

Jim H. Guynn, Jr.
Guynn, Waddell, Carroll & Lockaby, P.C.
Counsel for the Alleghany County Board of Supervisors
415 S. College Avenue
Salem, Virginia 24153
jimg@guynnwaddell.com
540-387-2320

on this the 22 day of September 2021

A handwritten signature in blue ink, appearing to read 'Donnie T.A.M. Kern', is written over a horizontal line.

Donnie T.A.M. Kern, Pro Se
Defendant
115 Church Street
Clifton Forge, Virginia 24422
quilltaxation@gmail.com
540-958-4958



PRIORITY MAIL EXPRESS®



U.S. POSTAGE PAID
PME 1-DAY
KILL DEVIL HILLS, NC
27848
SEP 22, 21
AMOUNT
\$26.35
R2305K139956-03



FLAT RATE ENVELOPE

ONE RATE ■ ANY WEIGHT

To schedule free Package Pickup,
scan the QR code.



USPS.COM/PICKUP

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE



PS10001000006

EP13F May 2020
©D: 12 1/2 x 9 1/2



PRIORITY MAIL EXPRESS®



EJ 844 554 288 US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT) *Donnie Kern, 115 Church St. Clinton Forge, VA 24422* PHONE ()

DELIVERY OPTIONS (Customer Use Only)

☒ **SIGNATURE REQUIRED** Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

☐ No Saturday Delivery (delivered next business day)

☐ Sunday/Holiday Delivery Required (additional fee, where available*)

*Refer to USPS.com® or local Post Office® for availability.

TO: (PLEASE PRINT) *Clerk of Court US District Court 210 Franklin Rd S.W., Suite 540 Roanoke, VA 24011-2204* PHONE ()

ZIP + 4® (U.S. ADDRESSES ONLY)

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 Insurance Included.

➡ **PEEL FROM THIS CORNER**

PAYMENT BY ACCOUNT (if applicable)

USPS® Corporate Acct. No. Federal Agency Acct. No. or Postal Service™ Acct. No.

ORIGIN (POSTAL SERVICE USE ONLY)

☒ 1-Day ☐ 2-Day ☐ Military ☐ DPO

PO ZIP Code *27948* Scheduled Delivery Date (MM/DD/YYYY) *9/23/21* Postage *\$26.35*

Date Accepted (MM/DD/YYYY) *9/22/21* Scheduled Delivery Time *5:00 PM* Insurance Fee \$ COD Fee \$

Time Accepted *3:16* ☐ AM ☒ PM Return Receipt Fee \$ Live Animal Transportation Fee \$

Special Handling/Fragile ☐ Sunday/Holiday Premium Fee \$ Total Postage & Fees *\$26.35*

Weight *1.0* lbs. *0.0* oz. ☒ Flat Rate Acceptance Employee Initials *MS*

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YYYY) Time ☐ AM ☐ PM Employee Signature

Delivery Attempt (MM/DD/YYYY) Time ☐ AM ☐ PM Employee Signature

LABEL 11-5, MAY 2021

PSN 7690-02-000-9936

GUARANTEED* • TRACKED • INSURED

For Domestic shipments, the maximum weight is 70 lbs. For International shipments, the maximum weight is 20 lbs.